

1301 Vista Avenue
Boise, Idaho 83705

RECEIVED

MAY 16 2003

Department of Water Resources

May 15, 2003

BY HAND DELIVERY

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Delivery of Water to Water Right Nos. 36-07725, 36-08089, 36-07080, 36-07731

Dear Mr. Dreher:

Fisheries Development Company (FDC) is entitled to delivery of 100 cfs from Billingsley Creek for fish propagation under a priority date of 11/29/76 pursuant to water right no. 36-07725 (held in the name of Clear Lakes Trout Co.), and 120.2 cfs from Billingsley Creek for power generation under a priority date of 6/2/82 pursuant to water right no. 36-08089 (held in the name of FDC). As of May 14, 2003, FDC is receiving only 69 cfs from Billingsley Creek. FDC is also entitled to divert from springs tributary to Billingsley Creek 11.54 cfs under a priority date of 8/22/69 pursuant to water right no 36-07080 and 15 cfs under a priority date of 7/8/77 pursuant to water right no. 36-07731 (each right held in the name of Clear Lakes Trout Co.). As of May 14, 2003, FDC is receiving only 9.8 cfs from the spring source.

FDC hereby demands that you direct the Watermasters for Water District 130 and Water District 36-A to administer water rights in the Water Districts as required by Idaho Code § 42-607 in order to supply FDC's prior rights.

Sincerely,



Kay Hardy, President
Fisheries Development Company
Clear Lakes Trout Company

1301 Vista Avenue
Boise, Idaho 83705

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Karl Dreher, Director
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Boise, Idaho 83706

Re: Delivery of Water to Water Right No. 36-07176

Dear Mr. Dreher:

Water right no. 36-07176 is entitled to delivery of 38.8 cfs from springs for fish propagation under a priority date of 5/18/71. Today the facility that utilizes this water right is receiving only 29.9 cfs from the spring source.

Demand is hereby made that you direct the Watermaster for Water District 130 to administer water rights in the Water District as required by Idaho Code § 42-607 in order to supply this prior right.

Sincerely,

Kay Hardy, General Partner
Kay Hardy, Personal Representative

Kay Hardy,
General Partner, Hardy Properties, LP
Personal Representative, Estate of Earl M. Hardy

Clear Lakes Trout Company
1301 Vista Avenue
Boise, Idaho 83705

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MAY 14 2003

Department of Water Resources

May 14, 2003

BY FACSIMILE (327-7866) AND MAIL / *HAND DELIVERED*

Karl Dreher, Director
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

Re: Delivery of Water to Water Right Nos. 36-02659 and 36-07004

Dear Mr. Dreher:

Clear Lakes Trout Company, Inc. ("Clear Lakes") is entitled to delivery of 175 cfs from the spring source for water right nos. 36-02659 and 36-07004. Currently, Clear Lakes is receiving only approximately 130 cfs, which has forced Clear Lakes to idle a significant portion of its hatchery. Clear Lakes has not previously demanded administration of water rights in Water District 130 to satisfy these rights because it hoped that IDWR would enforce the Interim Stipulated Agreement for Areas Within and Near Basin 36 ("Interim Stipulated Agreement"). Clear Lakes will continue to pursue its rights under the Interim Stipulated Agreement. However, it is clear at this point that IDWR has no intention of enforcing the Agreement, and that additional administrative action is contemplated that will further eviscerate the priority and beneficial use of Clear Lakes' water rights. In the absence of IDWR enforcement of the Interim Stipulated Agreement, it is necessary for Clear Lakes to take action to protect its water rights and its operations.

Clear Lakes hereby demands that you direct the Watermaster for Water District 130 to administer water rights in the Water District as required by Idaho Code § 42-607 in order to supply Clear Lakes' prior rights. This demand includes adjustment of the weir in the Western Diversion Pool to deliver to Clear Lakes the portion of Water Right No. 36-02659 (a minimum of 66 cfs) that it is entitled to divert from the springs through the Western Diversion Pool, and adjustment of all other water diversions within the Water District as necessary to supply water right nos. 36-02659 and 36-07004.

Sincerely,

Kay Hardy, President.

Kay Hardy, President
Clear Lakes Trout Company

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May 15, 2003
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Karl Dreher, Director
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1301 North Orchard Street
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Re: Delivery of Water Right Nos. 36-02680, 36-04032A, 36-04032B, 36-04032C,
36-04032D, and 36-07167

Dear Mr. Dreher:

Rim View Trout Company, Inc. ("Rim View") is entitled to divert an aggregate continuous flow of 150 cfs from Niagara Springs for fish propagation and domestic use pursuant to the following decreed water rights:

36-04032A	10 cfs	3/15/1912
36-04032B	10 cfs	1/4/1951
36-04032C	5 cfs	1/4/1952
36-04032D	15 cfs	1/12/1962
36-02680	60 cfs	6/6/1966
36-07167	50 cfs	3/18/1971

Under its water rights and the Niagara Springs Agreement, Rim View is entitled to "a total continuous flow of 150 cfs" from Niagara Springs. However, the persistence of the decline in Niagara Springs flows has prevented Rim View from diverting a continuous flow of 150 cfs at its headworks from October through April of each year, when IPC increases its diversions pursuant to the Niagara Springs Agreement. The shortage at Rim View's headworks ranges from 10 cfs during October to 60 cfs during March and April. This shortage forces Rim View to idle significant portions

Karl Dreher
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of the hatchery, resulting in a decline in rearing capacity of approximately 40%.

Rim View hereby demands that you direct the Watermaster for Water District 130 to administer water rights in the Water District that deplete the supply of water to Niagara Springs as required by Idaho Code § 42-607 in order to supply Rim View's prior rights.

Sincerely,

Kay Hardy, President

Kay Hardy
President, Rim View Trout Company